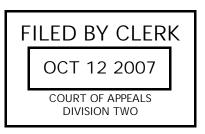
IN THE COURT OF APPEALS STATE OF ARIZONA DIVISION TWO



THE STATE OF ARIZONA,)	
)	2 CA-CR 2006-0350
	Appellee,)	DEPARTMENT A
)	
v.)	MEMORANDUM DECISION
)	Not for Publication
JOHN F. GARDNER,)	Rule 111, Rules of
)	the Supreme Court
	Appellant.)	
)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20044124

Honorable Hector E. Campoy, Judge

AFFIRMED

Isabel G. Garcia, Pima County Legal Defender By Alex Heveri

Tucson Attorneys for Appellant

HOWARD, Presiding Judge.

While intoxicated and driving a pickup truck on a midtown street late one afternoon, appellant John Gardner struck and seriously injured a bicyclist riding at the edge of the roadway. After being indicted in November 2004 on numerous charges, Gardner absconded in January 2005. He was tried in absentia in July 2005.

- After a four-day trial, an eight-person jury found Gardner guilty of six felonies: aggravated driving under the influence of an intoxicant (DUI) while his driver's license was suspended and revoked, aggravated driving with an alcohol concentration of .08 or greater while his license was suspended and revoked, aggravated assault with a dangerous instrument, aggravated assault causing serious physical injury, attempted leaving the scene after causing a serious-injury accident, and criminal damage to property valued between \$250 and \$2,000. The jury found one of the two aggravated assault counts to be a dangerous nature offense.
- Gardner was arrested in December 2005 pursuant to a bench warrant. He was sentenced in January 2006 to a slightly mitigated, 6.5-year prison term for the dangerous nature aggravated assault and to a concurrent, presumptive, 3.5-year term for the other aggravated assault conviction. For the four remaining convictions, the trial court placed him on concurrent terms of probation, the longest for ten years, to commence upon his release from prison.
- Gardner was granted leave to file a delayed notice of appeal, and the court appointed counsel to represent him. Counsel has filed a brief invoking *Anders v*. *California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v*. *Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating that she has "reviewed the entire record and was unable to find any meritorious issue to raise on appeal." She asks us to search the record for any reversible error. Gardner has not filed a supplemental brief.

¶5	We have reviewed the	record and found that it contains substantial evidence
to support	Gardner's convictions.	We have also searched for error pursuant to our
obligation	under Anders and have fo	ound none. Gardner's convictions and sentences are,
therefore, a	affirmed.	
		JOSEPH W. HOWARD, Presiding Judge
CONCUR	RING:	
JOHN PEL	ANDER, Chief Judge	
J. WILLIA	M BRAMMER, JR., Judg	ge